



**UNITED STATES DEPARTMENT OF COMMERCE**  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/994,038 12/18/97 YAMAZAKI S 07977/208001

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EXAMINER

COLEMAN, M  
ART UNIT

PAPER NUMBER

2823  
DATE MAILED:

10/31/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trad marks**

**Advisory Action**

Applicati n No.

08/994,038

Applicant(s)

YAMAZAKI ET AL.

Examiner

W. David Coleman

Art Unit

2823

--Th MAILING DATE of this communication appears on the cover sheet with the correspondenc address --

THE REPLY FILED October 16, 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-6, 11-14 and 16-23.

Claim(s) withdrawn from consideration: 7-10 and 15.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

#### ***Response to Amendment After Final or Advisory Action***

1. Applicant's arguments filed October 16, 2001 have been fully considered they are not persuasive.

#### ***Status of the Amendment After Final Rejection***

2. New issues: The following proposed amendments raise new issues requiring further consideration and/or search:
3. Claim 1, lines 11-14, (page 10 of marked-up copy), the term "wherein a crystal structure of the crystalline semiconductor film in the crystal growth direction is continuous so that a charge moving is not restricted by a grain boundary" is a new limitation.
4. Claim 16, lines 16-18, (page 11 of marked-up copy), the term "wherein a crystal structure of the crystalline semiconductor film is continuous so that the crystal structure is regarded as single crystal for the charge" is a new limitation.
5. Claim 19, lines 4-6, (page 13 of marked-up copy), the term "wherein a crystal structure of the crystalline semiconductor film in the crystal growth direction is continuous so that a charge moving is not restricted by a grain boundary" is a new limitation.

*Status of the pending claims After Final Rejection*

6. Claims 1-6 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani et al., U.S. Patent 5,043,785 in view of Funakoshi et al, U.S. Patent 5,650,644.
7. Claims 16, 17, 18, 19, 20, 21, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. U.S. Patent 5,604,360 in view of Mizutani et al., U.S. Patent 5,043,785.
8. Claims 7-10 and 15 are directed to a non-elected invention, which were withdrawn from further consideration.

*Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to W. David Coleman whose telephone number is 703-305-0004. The examiner can normally be reached on 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael M. Fahmy can be reached on 703-308-4918. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

WDC  
October 25, 2001

*A. PM*  
LONG PHAM  
PRIMARY EXAMINER